

CRM-M-3594 of 2020

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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Date of Decision: 04.02.2020

Jyoti Parsad and another

...Petitioners

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present:- Mr. Pushpinder Kaushal, Advocate, for the petitioners.
Mr. Sant Lal Barwala, Advocate, for the complainant.

RAMENDRA JAIN, J. (ORAL)

Fresh vakalatnama on behalf of the petitioners, superseding earlier counsel, filed in Court today is taken on record.

Through this petition under Section 438 Cr.P.C. prayer has been made for grant of anticipatory bail to petitioners, namely, Jyoti Parsad and Ravi @ Tota Ram, in case FIR No.283 dated 22.12.2019 registered under Sections 406, 420, 506 IPC at Police Station Julana, District Jind.

According to the prosecution, petitioners and Manoj Kumar, son of petitioner No.1 and real brother of petitioner No.2, had to pay ₹37,17,650/- to the complainant as outstanding against purchase of birds, which they did not pay despite promise. Finally, they telephonically threatened the complainant of dire consequences, in case, he would not forget his aforesaid amount.

Learned counsel for the petitioners *inter alia* contends that

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entire business transaction was in between Manoj Kumar and the complainant. Petitioners have nothing to do with the alleged transaction. Alleged documents, admitting liability to pay aforesaid amount were signed by co-accused Manoj Kumar only and not by the petitioners. Petitioner No.1 being father and petitioner No.2 being brother of main accused Manoj Kumar have falsely been implicated. Allegations in the FIR against the petitioners are vague. No mobile number has been given through which alleged threat was given by the petitioners to the complainant. Matter is of civil nature. Petitioners are not required for custodial interrogation. They are ready to join the investigation. In support of his arguments, learned counsel relied upon judgment of the Hon'ble Supreme Court in ***International Advanced Research Centre for Powder Metallurgy and New Materials (ARCI) and others v. Nimra Cerglass Technics (P) Ltd. and another*** 2015(4) R.C.R. (Criminal) 883.

On the other hand, learned counsel for the complainant, refuting above submissions contends that petitioners along with Manoj Kumar were doing joint business. All three were liable to pay aforesaid amount of ₹37,17,650/- to the complainant. Petitioners, who are residents of Delhi, along with Manoj Kumar intentionally cheated the complainant.

Having given thoughtful consideration to the rival submissions, this Court does not find any ground to grant anticipatory bail to the petitioners inasmuch as they are required for custodial interrogation for recovery of the cheated amount.

Facts and circumstances of the judgment referred to above, relied upon by learned counsel for the petitioners, are not identical to the

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facts of the present case. Therefore, no benefit of the same can be given to the petitioners.

Dismissed.

February 04, 2020
R.S.

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No